Immunocept, LLC, et al v. Fulbright & Jaworski

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IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

IMMUNOCEPT, LLC, PATRICE ANNE LEE, AND JAMES REESE MATSON,	§	
	§	
Plaintiffs,	§	**CIVIL ACTION NO. A 05 CA ~~224~~ 334 SS**
	§	
v.	§	
	§	
FULBRIGHT & JAWORSKI, LLP	§	
	§	
Defendant.	§	

PLAINTIFFS' EXPERT DISCLOSURES

Plaintiffs Immunocept, LLC, Patrice Anne Lee, and James Reese Matson file their Disclosure of Experts and state as follows:

Pursuant to Rule 26(a)(2)(A), Plaintiffs notify Defendants they may call the following individuals to provide expert testimony at trial:

(1) Dr. Rinaldo Bellomo
18 Otterington Grove
East Ivanhoe 3079, Australia
Telephone: +61 (3) 9496 5992

Dr. Bellomo has been retained to testify as to medical and technical matters related to large pore hemofiltration in the treatment of sepsis/septic shock in human beings, including, among other things: (1) the effectiveness of Plaintiffs' large pore hemofilter in treating sepsis/septic shock in human beings; (2) the expected adoption rate of such technology by treating physicians in the event of a successful clinical study; and (3) the promise of large pore hemofiltration as compared to existing or potential alternative approaches to sepsis/septic shock treatment. The foregoing is a summary only. A more complete description of his opinions, as well as the basis therefore, the facts relied upon, and his qualifications, are set forth in more detail in Expert Report of Rinaldo Bellomo, a copy of which has been provided to Defendants.

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(2) Alan H. MacPherson
1762 Technology Drive, Suite 226
San Jose, CA 95110
Telephone: (408) 392-9250

Mr. MacPherson has been retained to testify about Defendant Fulbright & Jaworski's prosecution of US Patent No. 5, 571,418 (the "'418 Patent"), including, among other things, whether Fubright & Jaworski's conduct with respect to the prosecution of the '418 Patent was consistent with the standard of care that should have been exercised by a reasonable patent attorney. Mr. MacPherson will also testify about whether the retention of an additional law firm by Plaintiffs would have caused Plaintiffs to be aware of the unnecessary addition of the phrase "consisting of" to claim 1 of the '418 Patent. Finally, Mr. MacPherson will offer testimony as to the scope of the '418 Patent. The foregoing is a summary only. A more complete description of his opinions, as well as the basis therefore, the facts relied upon, and his qualifications, are set forth in more detail in Expert Report of Alan H. MacPherson, a copy of which has been provided to Defendants.

(3) James Malackowski
200 W. Madison
37th Floor
Chicago, IL 60606
Telephone: (312) 327-4410

Mr. Malackowski has been retained to testify as to the damages sustained by the Plaintiffs as a result of Defendant Fulbright & Jaworski's conduct. The foregoing is a summary only. A more complete description of his opinions, as well as the basis therefore, the facts relied upon, and his qualifications, are set forth in more detail in Expert Report of James Malackowski, a copy of which has been provided to Defendants.

(4) Martha Feldman
P. O. Box 3515
Redmond, WA 98073-3515 USA
Telephone: (425) 861-8262

Ms. Feldman has been retained to testify about the FDA approval process as it relates to the Plaintiffs' large pore hemofilter. The foregoing is a summary only. A more complete description of her opinions, as well as the basis therefore, the facts relied upon, and her qualifications, are set forth in more detail in Expert Report of Martha Feldman, a copy of which has been provided to Defendants.